

REMARKS**Summary of the Office Action**

In the Office Action dated September 16, 2003, claims 1-8 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,583,334 to Baumann (hereinafter "Baumann").

Summary of the Response to the Office Action

Applicant respectfully traverses these rejections and the Office Action's interpretation of the applied reference, and respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Applicant adds new claims 9-10. Accordingly, claims 1-10 are now pending in this application.

The Rejection under 35 U.S.C. § 102(b)

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Baumann.

Applicant respectfully traverses this rejection and the Office Action's interpretation of the applied reference, and respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

Applicant respectfully submits that, in the instant invention as recited in independent claims 1-3, the object to be detected is a plate-shaped or sheet-shaped body. A first optical sensor arranged in parallel with one face of the plate-shaped or sheet-shaped body includes a first light emitting section and a first light receiving section. Further, a second optical sensor

arranged in parallel with another face of the plate-shaped or sheet-shaped body includes a second light emitting section and a second light receiving section. Applicant respectfully submits that both the first light emitting section and the first light receiving section are arranged in parallel with one face of the plate-shaped or sheet-shaped body, and both the second light emitting section and the second light receiving section are arranged in parallel with the other face of the plate-shaped or sheet-shaped body.

Applicant further submits that, as recited in the specification at page 7, line 23 to page 8, line 4, the arrangement of the detector (method of detecting) of the present invention has the following feature. Even when no space is provided to arrange an optical sensor on either sides of a plate-shaped or sheet-shaped flat body, as long as a space is provided for light propagation on both side of the body, an optical sensor can detect the plate-shaped or sheet-shaped body. Thus, Applicant submits that the present invention provides a detection method that is effective when the device is incorporated into a machine.

Applicant respectfully submits that in contrast with the instant invention, Baumann does not disclose a detection of a plate-shaped or sheet-shaped body. Applicant submits that, as depicted in Fig. 6 and as recited at column 10, lines 29-30 of Baumann, the object detected by Baumann is a relatively large obstacle, for instance a case or a briefcase.

Further, Applicant respectfully submits that even if the object of Fig. 6 of Baumann is plate-shaped or sheet-shaped body, the arrangement of the light transmitters and light receivers in Baumann differs from that of the instant invention. As depicted in Fig. 6, in contrast to the instant invention, the light transmitters 11i of Baumann are arranged only on one side of the object, and the light receivers 12j are only arranged on the other side of the object.

In view of the foregoing remarks, Applicant respectfully submits that Baumann does not teach or suggest each feature of independent claims 1-3. As pointed out in MPEP § 2131, “[to] anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art of reference. Verdegaal Bros. V. Union Oil Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Thus, Applicant respectfully submits that independent claims 1-3 are in condition for allowance as not being anticipated by Baumann. Moreover, Applicant submits that claims 4-8 are allowable for at least the same reasons as set forth above with regard to independent claim 3 upon which they depend and for the additional features that each recites. Accordingly, Applicant respectfully requests that the rejection of claims 1-8 under 35 U.S.C. § 102(b) be withdrawn.

New Claims 9-10 are Patentable

Applicant adds new dependent claims 9-10. Applicant respectfully submits that new dependent claims 9-10 are allowable over the art of record.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application, withdrawal of all rejections and objections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant’s undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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